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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,705	12/01/2000	Eugene Owen JR.	36968-195514	4891

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EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application N .	Applicant(s)	
	09/728,705	OWEN, EUGENE	
	Examin r	Art Unit	
	Lynda Jasmin	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received October 17, 2003 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al. (5,943,656), in view of Northington et al. (6,128,602).

Crooks et al. disclosed a method and system of automatically tracking and balancing account receivable data as claimed with the steps of: submitting a billing data file (via billing information) to a processing entity (host system) the billing data file having customer account records representing accounts receivable (bills for payment by billable entities such as an individual or a company) for a given carrier (billing entities such as providers of electricity, water, sewage, natural gas and/or other related goods or services or processes), determining each of the customer account records (via a consolidated table) as one of at least two tracking data sets based on pre-defined criteria (such as billing date, past due date billing period begin and end dates), computing the total amount of accounts receivable located in each tracking data set (via consolidated amount that is to be paid to each billing entities), generating a total amount of process accounts receivable related to the carrier by adding the computed

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total amounts (based on tolerance parameters col. 7, line 57-col. 8, line 25), comparing the total amount of pre-processed accounts receivable related to the given carrier (via estimation based on historical billing which include currently up-to-date billing information from a previous billing cycle) to the total amount of processed accounts receivable related to said carrier (to the actual bill for payment by each customer to a particular utility provider).

Crooks et al. also discloses the customer account records have a unique means to identify the carrier that generated the customer account record (via utility account number). The customer account records further have the amount payable for services rendered by the carrier (via current charges). The customer account records further have the billing cycle in which the customer account is payable (via billing period). The billing cycle is the criteria used to separate the customer account records into the tracking data sets (via col. 5, line 36-38). The tracking data sets include a billed and unbilled data set where the billed data set comprises customer account records with accounts payable in the current and future billing cycle (via relevant billing information).

In a further embodiments, Crooks et al. discloses establishing an agreement between a plurality of carriers and a processing entity, the carriers agreeing to submit billing data files to the processing entity and the processing entity agreeing to process the billing data files and remit payment to carriers (via clearing settlement services; col. 9, lines 59-67 and col. 10, lines 1-18).

Crooks et al. fails to explicitly disclose creating a discrepancy report if the total amount of pre-processed accounts receivable does not equal the total amount of processed account receivables, and a settlement report if they are equal.

Northington et al. discloses a system for automatically consolidates information from a plurality of financial systems into a single accounting system with the concept of automatically comparing and reconciling two entries. Upon accessing an individual's account using the system, non-matching transactions may be displayed. Matching transactions may be automatically reconciled and certified by the system. Northington et al. further discloses that transaction verification and reconciliation functions may (1) enable authorized end users to perform transaction verification in order to certify that transactions are accurate; (2) allow authorized end users to override default cost centers or general ledger information; (3) allow authorized end users to dispute transactions according to predefined rules and regulations and track disposition; and (4) allow authorized end users to request copies of transaction records. Authorized end users may also request and schedule predefined reports and create and design new report formats and schedules. From this teaching of Northington et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auditing process of Crooks et al. to include the reconciliation of transaction and request copies of transaction records in order to facilitate rapid and accurate remedial processing of non-matching transactions (billing) and automatically generate real time statements.

Response to Arguments

4. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

The US patent to Northington et al. discloses a system for automatically consolidates information from a plurality of financial systems into a single accounting system with the concept of automatically comparing and reconciling two entries. Northington et al. further discloses that transaction verification and reconciliation functions may (1) enable authorized end users to perform transaction verification in order to certify that transactions are accurate; (2) allow authorized end users to override default cost centers or general ledger information; (3) allow authorized end users to dispute transactions according to predefined rules and regulations and track disposition; and (4) allow authorized end users to request copies of transaction records. Authorized end users may also request and schedule predefined reports and create and design new report formats and schedules.

As applicant argument that Crooks does not teach or suggest "the total amount of processed accounts receivable for the carrier and the total amount of pre-processed accounts receivable for the carrier" the Examiner respectfully disagrees. Crooks discloses a pre-determined tolerance parameters that are defined through the utilization of historical billing data (as illustrated in col. 7-col., line 25) in order to ensure the accuracy of users information. Crooks further discloses that utility resource usage information is received from each utility resource company into host computer 22 (step 220 (FIG. 5)). The usage information pertains to consumption of utility resources by

each site of each customer and includes, cost-related and quantity-related consumption variables. Such information is preferably tolerance checked in accordance with the above-described audit processor to ensure the accuracy thereof. Preferably, tolerance checking is performed for each of the utility resource providers for each of their relevant customers. Such information is preferably subsequently processed as described and customers 58-62 are provided with remote electronic access to computer-viewable data in host computer 20 through interface device 30 (FIG. 1). Such computer-viewable data is preferably in the form of a plurality of different graphical reports, which can be selected by the customer for viewing on a computer, which is remote from the host computer.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the amount of processed accounts receivable is generated by respectively computing the total amount of accounts receivable is generated by respectively computing the total amount records located in one tracking set and by adding the computed total amounts receivable for all of the tracking sets) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogawa et al. discloses a system with error checking features to ensure that transferred data matches original data although original format is altered.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda Jasmin
Examiner
Art Unit 3627

lj